

DEPARTMENT of the INTERIOR

news release

FISH AND WILDLIFE SERVICE

For Immediate Release October 7, 1976

Levitt 202/343-5634

TEMPORARY RESTRAINING ORDER AGAINST USE OF STEEL SHOT DENIED BY FEDERAL COURT

A temporary restraining order sought by the National Rifle Association of America against enforcement of U.S. Fish and Wildlife Service steel shot regulations has been denied by Federal District Court Judge Joseph C. Waddy in Washington, D.C.

The denial means that the Interior Department agency's recent regulations continue in effect requiring the use of steel shot ammunition in selected waterfowl hunting areas along the Atlantic Flyway. Judge Waddy scheduled Tuesday, October 12, for a hearing on the association's motion for a preliminary injunction and a trial on the issues presented.

The regulations, which went into effect on September 13, 1976, were issued after intensive studies of the lead poisoning problem, extensive public debate on available courses of action to correct it, and the publication of an environmental impact statement in January. The EIS found that an estimated 2 million ducks die in the United States each year from lead poisoning that results when birds swallow spent shotgun pellets while feeding on marsh bottoms and other waterfowl feeding areas that are used by hunters. Lead shot pellets are being deposited in wetland areas such as these by American waterfowl hunters at a rate of 3,000 tons a year. Based upon studies of lead levels in the bodies of waterfowl, the Atlantic coast had highest levels in the United States.

The regulations require a phased implementation of steel shot beginning with portions of nine Atlantic Flyway States this fall and will be extended to other flyways over the next 3 years. The phased implementation is designed to allow time for ammunition manufacturers to develop production capabilities and for waterfowl managers to further identify lead poison problem areas.

The use of steel shot will apply only to the hunting of ducks, geese, swans, and coots because the hunting of these species is believed to be the source of most of the lead shot deposited in wetland areas. The hunting of other species of aquatic and upland game birds does not appear to be a source of significant lead poisoning problems.

The National Rifle Association contends that there is a possibility of increased gun barrel damage with steel shot, and therefore increased possibility of harm to hunters; that the environmental impact statement is technically inadequate; that there are insufficient supplies of steel shot; and that steel shot causes increased crippling loss of waterfowl.